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Applicant is proceeding on the assumption that the Examiner intended to identify Fig. 2, as opposed to Fig. 1, as representing the first of the identified species.

Further, however, Applicant notes that claim 1 (generic) recites the invention as depicted in Fig. 2, so Applicant is also proceeding on the assumption that Fig. 2 (like claim 1) is generic. Accordingly, Applicant has elected, with traverse, the species depicted in Fig. 4 (i.e., claims 4 and 28) from among the species depicted in the remaining figures, i.e. Figs. 4, 5, 7, 9, 10, 11 and 12.

Applicant respectfully traverses the above restriction requirement and submits that it is inappropriate.

Applicant notes that each of the claims 1-31 in the present application is directed to video storage and retrieval, by which specific video and audio data is retrieved based on identification data that had been multiplexed in a data stream, along with video and audio data. The figures in the application generally show various arrangements for demultiplexing, storing data and retrieving data. Accordingly, the recitations of each of the independent claims, as well as of the various dependent claims, are so closely related as to make a restriction requirement inappropriate. For this reason, it is submitted that the restriction requirement is inappropriate and that all the claims in the present application should be examined together.

Moreover, the restriction requirement set forth by the Examiner omits one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. As set forth in M.P.E.P. § 803, “an appropriate explanation” must

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be set forth by the Examiner as to the existence of a “serious burden” if the restriction requirement were not required. By virtue of the Examiner’s requirement and since the claims of the various species are so closely related, and are all directed to video storage and retrieval, it is submitted that there is no serious burden on the Examiner in examining all these claims together. Furthermore, it is submitted that the search for the various claims includes a significant amount of overlap. Thus, additionally, no serious burden would come to bear on the Examiner.

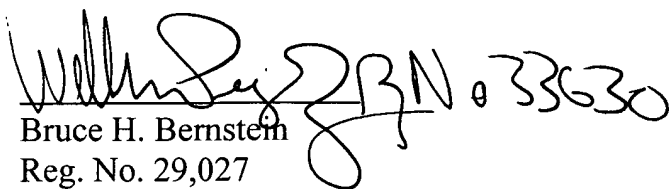
For all of these reasons, and consistent with the office policy as set forth in the M.P.E.P., Applicant respectfully requests that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the restriction requirement in the present application.

Nevertheless, in order to be fully responsive, Applicant has elected with traverse, the invention disclosed in species depicted in Fig. 4, comprising claims 4 and 28, together with the generic claim 1 (depicted in Fig. 2) and the generic claims depending from claim 1 (claims 2-3, 19-23 and 27), in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

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Should the Examiner have any questions or comments regarding the present response or this application, the Examiner is respectfully invited to contact the undersigned at the below listed number.

Respectfully submitted,
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